

Town Board Minutes

Meeting No. 35

Regular Meeting

November 3, 1997

MEETINGS TO DATE 35
NO. OF REGULARS 21
NO. OF SPECIALS 14

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LANCASTER, NEW YORK
NOVEMBER 3, 1997

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 3rd day of November 1997 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

PERSONS ADDRESSING TOWN BOARD:

Beilman, Jack, 19 Inwood Place, spoke to the Town Board on the following matter:

- The tipping fee charged for Town refuse dumping at the American Ref-Fuel plant in Niagara Falls.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter:

- Requested additional information on prefiled resolution numbers 3, 10, and 4.

Whipkey, Sharon, 17 Brewster Street, spoke to the Town Board on the following matter:

- LVAC service to the Cheektowaga area of the Village of Depew.

Buehler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- LVAC service to the Cheektowaga area of the Village of Depew.

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

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At 8:40 P.M., the Town Board held a Public Hearing to hear all interested persons upon the 1988 Special Districts Budget.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS

None

OPPONENTS

None

COMMENTS & QUESTIONS

None

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:42 P.M.

PUBLIC HEARING SCHEDULED FOR 8:50 P.M.:

At 8:55 P.M., the Town Board held a Public Hearing to hear all interested persons upon the 1988 Preliminary Budget.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS

None

OPPONENTS

None

COMMENTS & QUESTIONS

Fred Hammer
Norman Bastian
Roy Schneggenburger

ADDRESS

240 Ransom Road
5747 Genesee Street
87 Stony Road

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:30 P.M.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER STEMPNIAK TO WIT:

RESOLVED, that the minutes from Joint Meeting of the Town Board and the
Planning Board held on October 20, 1997, and the Regular Meeting of the Town Board held on
October 20, 1997, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 3, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter
dated October 23, 1997, has requested the addition of two members to the active roster of said
fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the
additions to the membership of the Twin District Volunteer Fire Company, Inc. of the following
individuals:

ADDITIONS

Carl Drechsel Jr.
82 Williamsburg Lane
Lancaster, New York 14086

Amy Beechler
36 Running Brook Drive
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 3, 1997

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated
October 30, 1997, has recommended the appointment of the certain individuals to the position
of Tutor with the Youth Bureau of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the
position of Tutor with the Town of Lancaster Youth Bureau, retroactive to October 3, 1997:

Rebecca M. Len \$7.00 an hour
161 Autumn Lea Road
Lancaster, New York 14086

Carole A. McLaughlin \$9.00 an hour
124 Nagel Drive
Cheektowaga, New York 14225

Kristen T. Frawley \$9.00 an hour
28 Trechaven Road
West Seneca, New York

and.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the
necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 3, 1997

File: RTUTOR (PD)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR , TO WIT:

WHEREAS, the Town of Lancaster has been offered a gift of a motor vehicle
bearing VIN # 1G6A56989CE 694577, and

WHEREAS, the Town Board, after due review and consideration, has
determined that the Town can make use of such a gift vehicle and that it is in the public interest
to accept such a gift

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes the
acceptance of the gift offered, namely a motor vehicle bearing VIN # 1G6A56988CE694577,
and
2. The Town Board authorizes the Supervisor to assign the vehicle to a
department as he determines appropriate.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 3, 1997

File: rgt.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Grantmakers Advantage, Inc., a grant writing\consultant firm,
has furnished a Letter Agreement to the Town of Lancaster which Agreement sets forth the grant
writing and consulting services to be provided, and

WHEREAS, the Town Board has reviewed the beforementioned Agreement and
deems it in the public interest to retain said firm to provide grant writing\consultant services at a
rate not to exceed \$75.00 per hour;

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Lancaster hereby authorizes the
Supervisor to execute the Letter Agreement from **Grantmakers Advantage, Inc.,** providing
grant writing\consultant services to the Town of Lancaster at a rate not to exceed \$75.00 per
hour, commencing November 3, 1997 through November 3 1998, total cost not to exceed
\$5,000.00.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 3, 1997

File: rgrtwtr

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK. WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR , TO WIT:

WHEREAS, it is in the public interest of the Town of Lancaster to complete and
file its Community Development Project Description Forms for community development
funding for the year 1998-99, and

WHEREAS, the Supervisor has suggested the use of the expected funds under
the 1998-99 Community Development Block Grant Program to be used in conjunction with a
joint application with the Villages of Lancaster and Depew, and

WHEREAS, a public hearing was held by the Town Board of the Town of
Lancaster on October 20, 1997 to elicit from the public comments relative to the use of 1998-99
Community Development Block Grant funds;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby authorized and directed to
execute and file the required 1998-99 Community Development Project Description Application
Forms for the year 1998-99 as a joint application with the Villages of Lancaster and Depew, for
approval and execution of contract with the Erie County Community Development Block Grant
Program, as follows:

"Completion of the Town of Lancaster's master plan"

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 3, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR . TO WIT:

WHEREAS, the County of Erie Department of Public Works, Division of
Highways has advised the Town of Lancaster of the need to initiate an Engineering Study for the
intersections of William Street and Bowen Road, William Street and Lake Avenue, and William
Street and Penora Street, in the Town of Lancaster, and has requested that the Town adopt a
resolution requesting a traffic study, indicating that it will abide by the findings of such a study
and install and maintain traffic control devices to Erie County Standards and requirements;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby requests the
County of Erie Department of Public Works, Division of Highways to conduct an engineering
study of traffic at the beforementioned intersections in the Town of Lancaster, and
2. That the Town Board of the Town of Lancaster hereby commits to install
and maintain traffic control devices to Erie County Standards and requirements for the
beforementioned intersections, as are deemed necessary by the County of Erie Traffic Study for
these intersections.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 3, 1997

File: rsignal.n97

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION , SECONDED BY COUNCIL
MEMBER MILLER TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 16654 to Claim No. Inclusive 16826

Total amount hereby authorized to be paid: **\$ 496,579.35**

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 3, 1997

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

4614	Dennis Kendall	4 Trentwood Tr	Er. Shed
4615	Howard Warner	27 Gale Dr	Er. Shed
4616	Capretto Enterprises	53 Quail Run Ln	Er. Sin. Dwlg
4617	Frank Sofia	50 Newberry Ln	Er. Shed
4618	Buffalo Crushed Stone	Gunnville Rd	Er. Cell Tower
4619	Kathleen Miller	4779 Transit Rd	Er. Sign
4620	Gregory Henderson	10 Broadmoor Ct	Er. Shed
4621	M J Ogiony	56 Village View	Er. Sin. Dwlg
4622	William Rose	1101 Penora St	Ex. Sin. Dwlg
4623	Chase Pitkin Installed	5 Northbrook Ct	Er. Deck
4624	Ken Seth	53 S Miller Ave	Er. Fence
4625	Marrano/Marc Equity	25 Stone Hedge Dr	Er. Sin. Dwlg
4626	Adrianne Graber	4 Fox Hunt Rd	Er. Shed
4627	Lovejoy Builders, Inc.	38 Sagebrush Ln	Er. Sin. Dwlg
4628	Patrick Development	15 Cambridge Ct	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 3, 1997

File:Rbldg2

COMMUNICATIONS:

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- 714. Town Clerk to Building Inspector -
Directive to stop building permit issuance for streets within Windsor Ridge Subdivision,
Phase III. DISPOSITION: Received and Filed
- 715. Town Clerk to Building Inspector -
Directive to stop building permit issuance for streets within Windsor Ridge Subdivision,
Phase II. DISPOSITION: Town Clerk
- 716. Twin District VFC to Town Clerk -
Advisement of new members added to roster. DISPOSITION: Received and Filed
- 717. Senior Citizens Center to Supervisor -
Letter of thanks for presentation in reference to upcoming election. DISPOSITION:
Received and Filed
- 718. Frontier Cellular to Town Board -
Advisement re: Smart SMR of New York, Inc. request to sublet space on cellular telephone
tower. DISPOSITION: Town Attorney, Supervisor
- 719. Bella Vista Group, Inc. to Dan Grabowski, 44 Eastwood Pkwy -
Advisement re: complaint of parking lot light glare from Flix Superplex. DISPOSITION:
Supervisor
- 720. Town Clerk to Town Board -
Transmittal of 1998 application to conduct salvage yard from Advantage Trucks & Salvage
Inc. DISPOSITION: Planning Committee
- 721. County Legislators and Supervisors Assoc. Of NYS to Town Board -
Notice of meeting to be held on 10/24/97 in Albany re: voting on plan for dissolution of this
corporation and distribution of its assets. DISPOSITION: Received and Filed
- 722. National Fuel Resources, Inc. to Supervisor -
Savings analysis for period 6/12 - 9/11/97. DISPOSITION: Received and Filed
- 723. Highway Supt. to Town Board -
Request upgrade of Jonathan R. Dundon and William B. Wiefert from Laborer Grade Two to
Laborer Grade One. DISPOSITION: Received and Filed
- 724. Town Clerk to Town Board -
Transmittal of Legal Notice setting public hearing for Zoning Board of Appeals on 11/13/97
with notation re: Case No. 4. DISPOSITION: Received and Filed
- 725. Lancaster Historic District Comm. Chairman to NYSDOT Buffalo Office -
Request meeting re: draft EIS for Broadway reconstruction. DISPOSITION: Received and
Filed
- 726. Town Clerk to Town Board -
Transmittal of J. Renkas & Sons, d/b/a AJ's Auto Wrecking, 1998 application for a salvage
yard license. DISPOSITION: Planning Committee
- 727. Town Clerk to Town Board -
Request for approval of new manual entitled "Procedures For Acceptance of Completed
Public Improvements". DISPOSITION: Town Clerk
- 728. Town Engineer to Town Board -
Recommend bid award for removal and installation of fuel storage tank at Iroquois Pump
Station to Kimmins Construction Corp. DISPOSITION: Received and Filed
- 729. Highway Supt. to Town Board -
Transmittal of list of department equipment sold at auction on 10/10/97. DISPOSITION:
Received and Filed
- 730. Town Attorney to Frontier Cellular -
Advisement re: prospective relocation of Nextel on cell tower site. DISPOSITION: Town
Attorney, Supervisor
- 731. Youth Bureau Ex. Dir. to Town Board -
Recommendation of three individuals to position of Tutor. DISPOSITION: Received and
Filed

732. NYSDOT to Property Owners -
Transmittal of public notice which appeared in media announcing a public hearing to be held on 11/19/97 at Depew H.S. re: Broadway widening project. DISPOSITION: Received and Filed
733. Building Department to Town Board -
Notice of no applications filed for Planning Board meeting scheduled for 11/5/97.
DISPOSITION: Received and Filed
734. Bella Vista Group, Inc. to Council Member Kwak -
Proposal of property donation to Town near Flix Superplex Theater. DISPOSITION: Received and Filed
735. ECDEP to Dep. Town Attorney -
Results of SEQR review of rezone petition of Marrano/Marc Equity (Trentwood Trail, Phase II). DISPOSITION: Received and Filed
736. McIntosh & McIntosh, P.C. to FEMA Headquarters, Hazard Identification Branch -
Transmittal of data in support of request for final LOMR for Forestream Village project.
DISPOSITION: Received and Filed
737. Keith A. Wilkinson, Sr. to Town Board -
Letter of commendation of Building Inspector and Engineer for help in development of Lancaster Industrial Commerce Center. DISPOSITION: Received and Filed
738. Donald G. Symer to Council Member Kwak -
Enactment of legislation regulating driveway lot line set backs. DISPOSITION: Planning Committee

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:40 P.M.

Signed Robert P. Thill

Robert P. Thill, Town Clerk